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Air Pollution Regulations in State Implementation Plans California, Orange County

Abcor, Inc, Wilmington, MA Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC Control Programs Development Div

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

California

Orange County

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Air Pollution Regulations in State Implementation Plans:

California

Orange County

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-054-25

INTRODUCTION

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There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

ORANGE COUNTY APCD

Submittal Date	Approval Date	Description
6/30/72	9/22/72	All Regs Approved Unless Otherwise Specified
4/21/76	7/26/77	Rules 461, 462
11/10/76	7/26/77	Rule 461

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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COUNTY OF ORANGE

REGULATION I

GENERAL PROVISIONS

(1.0) RULE 2. DEFINITIONS (Amended 4/25/72)

a. Except as otherwise specifically provided in these rules and except where the context otherwise indicates, words used in these rules are used in exactly the same sense as the same words are used in Chapter 2, Division 20, of the Health and Safety Code.

b. Person. "Person" means any person, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any officer or employee thereof.

c. Board. "Board" means the Air Pollution Control Board of the Air Pollution Control District of Orange County.

d. Section. "Section" means section of the Health and Safety Code of the State of California unless some other statute is specifically mentioned.

e. Rule. "Rule" means a rule of the Air Pollution Control District of Orange County.

f. Air Basin. The two major "air basins" within Orange County are defined as being within the following described boundaries:

1. Northwest Basin. All that area of Orange County northwesterly of the following description: Beginning at the southwest corner of Block IRS-95 and the Pacific Ocean; thence north 40°E. approximately 9 miles to the Santa Ana Freeway; thence northwesterly along the Santa Ana Freeway to the intersection of the Newport Freeway; thence north 40°E. approximately 13 miles to the Boundary Line of Orange County.

2. Southeast Basin. All that area of Orange County lying southeasterly of the line described for the Western Basin.

IRS = Irvine Ranch Subdivision

g. Regulation. "Regulation" means one of the major subdivisions of the Rules of the Air Pollution Control District of Orange County.

h. Particulate Matter. "Particulate Matter" is any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

i. Process Weight Per Hour. "Process Weight" is the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. Air or water used for any purpose including drying or cooling and not part of the final product will not be considered as part of the process weight. "The Process Weight Per Hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

j. Dusts. "Dusts" are minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, or other similar processes.

k. Condensed Fumes. "Condensed Fumes" are minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimination, distillation, calcination, or chemical reaction, when these processes create air-borne particles.

l. Combustion Contaminants. "Combustion Contaminants" are particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

m. Atmosphere. "Atmosphere" means the air that envelops or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered an emission into the atmosphere.

n. Combustible Refuse. "Combustible refuse" is any solid or liquid combustible waste material containing carbon in a free or combined state.

o. Multiple-Chamber Incinerator. "Multiple-chamber incinerator" is any article, machine, equipment, contrivance, structure or any part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. The refractories shall have a Pyrometric Cone Equivalent of at least 17, tested according to the method

described in the American Society for Testing Materials, Method C-24.

p. Oil-Effluent Water Separator. "Oil-effluent water separator" is any tank, box, sump or other container in which any petroleum or product thereof, floating on or entrained or contained in water entering such tank, box, sump or other container, is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

(2.0) RULE 3. STANDARD CONDITIONS. (Amended 4/25/72)

As used in these regulations, standard conditions are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated or reported on a dry basis at this gas temperature and pressure unless otherwise specified by a rule or regulation.

(15.0) RULE 4. AUTHORITY TO ARREST. (Adopted 4/25/72)

The Air Pollution Control Officer and every officer and employee of the Orange County Air Pollution Control District designated by him is authorized, during reasonable hours, to arrest a person without a warrant whenever he has reasonable cause to believe that the person to be arrested has committed a misdemeanor in his presence which is in violation of Chapter 2, Division 20 of the Health and Safety Code, or any provision of the Vehicle Code relating to the emission or control of air contaminants, or any order, regulation, or rule adopted pursuant thereto. Such authority is granted in accordance with Penal Code Section 836.5.

REGULATION II - PERMITS

(3.0) RULE 10. PERMITS REQUIRED. (Amended 4/25/72).

a. Authority to Construct. Any person building, erecting, altering, or replacing any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, shall first obtain written authorization for such construction from the Air Pollution Control Officer. An authority to construct shall remain in effect until the permit to operate the equipment for which the application was filed is granted or denied or the application in cancelled.

b. Permit to Operate. Before any article, machine, equipment or other contrivance described in Rule 10(a) may be operated or used, a written permit shall be obtained from the Air Pollution Control Officer. No permit to operate or use shall be granted either by the Air Pollution Control Officer or the Hearing Board for any article, machine, equipment or contrivance described in Rule 10(a), constructed or installed without authorization as required by

Rule 10(a), until the information required pursuant to these Rules and Regulations is presented to the Air Pollution Control Officer and such article, machine, equipment or contrivance is altered, if necessary, and made to conform to the standards set forth in Rule 20 and elsewhere in these Rules and Regulations.

c. Posting of Permit to Operate. A person who has been granted under Rule 10 a permit to operate any article, machine, equipment, or other contrivance described in Rule 10(b), shall firmly affix such permit to operate, an approved facsimile, or other approved identification bearing the permit number upon the article, machine, equipment, or other contrivance in such a manner as to be clearly visible and accessible. In the event that the article, machine, equipment, or other contrivance is so constructed or operated that the permit to operate cannot be so placed, the permit to operate shall be mounted so as to be clearly visible in an accessible place within 25 feet of the article, machine, equipment, or other contrivance, or maintained readily available at all times on the operating premises.

d. Alteration of Permit. A person shall not willfully deface, alter, forge, counterfeit, or falsify any permit issued under these Rules and Regulations.

e. Permit to Sell or Rent. Any person who sells or rents to another person an incinerator which may be used to dispose of combustible refuse by burning within Orange County and which incinerator is to be used exclusively in connection with any structure, which structure is designed and used exclusively as a dwelling for not more than four families, shall first obtain a permit from the Air Pollution Control Officer to sell or rent such incinerator.

f. Permit for Open Burning. A person shall not set or permit any open outdoor fire without first having applied for and been issued a permit for such fire by the Air Pollution Control Officer, except that an application for burning permit shall not be required for recreational fires, ceremonial fires, or cooking fires.

g. Control Equipment. Nothing in this rule shall be construed to authorize the control officer to require the use of machinery, devices, or equipment of a particular type or design, if the required emission standard may be met by machinery, device, equipment, product, or process change otherwise available.

(2.0) RULE 11. EXEMPTIONS.

An authority to construct or a permit to operate or use shall not be required for:

a. Vehicles as defined by the Vehicle Code of the State of California but not including any article, machine, equipment or other contrivance mounted on such vehicle that would otherwise require a permit under the provisions of these Rules and Regulations.

b. Vehicles used to transport passengers or freight.

c. Equipment used exclusively in connection with any structure, which structure is designed for and used exclusively as a dwelling for not more than four families.

d. The following equipment:

1. Comfort air conditioning or comfort ventilating systems which are not designed to remove air contaminants generated by or released from specific units of equipment.

2. Refrigeration units except those used as, or in conjunction with, air pollution control equipment.

3. Piston-type internal combustion engines.

5. Water cooling towers and water cooling ponds not used for evaporative cooling of process water or not used for evaporative cooling of water from barometric jets or from barometric condensers.

6. Equipment used exclusively for steam cleaning.

7. Presses used exclusively for extruding metals, minerals, plastics or wood.

8. Porcelain enameling furnaces, porcelain enameling drying ovens, vitreous enameling furnaces or vitreous enameling drying ovens.

9. Presses used for the curing of rubber products and plastic products.

10. Equipment used exclusively for space heating, other than boilers.

13. Equipment used for hydraulic or hydrostatic testing.

14. All sheet-fed printing presses and all other printing presses without driers.

17. Tanks, vessels and pumping equipment used exclusively for the storage or dispensing of fresh commercial or purer grades of:

    a. Sulfuric acid with an acid strength of 99 percent or less by weight.

    b. Phosphoric acid with an acid strength of 99 percent or less by weight.

    c. Nitric acid with an acid strength of 70 percent or less by weight.

18. Ovens used exclusively for the curing of plastics which are concurrently being vacuum held to a mold or for the softening of annealing of plastics.

19. Equipment used exclusively for the dyeing or stripping (bleaching) of textiles where no organic solvents, diluents or thinners are used.

20. Equipment used exclusively to mill or grind coatings and molding compounds where all materials charged are in a paste form.

21. Crucible type or pot type furnaces with a brimful capacity of less than 450 cubic inches of any molten metal.

22. Equipment used exclusively for the melting or applying of wax where no organic solvents, diluents or thinners are used.

23. Equipment used exclusively for bonding lining to brake shoes.

24. Lint traps used exclusively in conjunction with dry cleaning tumblers.

25. Equipment used in eating establishments for the purpose of preparing food for human consumption.

26. Equipment used exclusively to compress or hold dry natural gas.

27. Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

28. Shell core and shell-mold manufacturing machines.

29. Molds used for the casting of metals.

30. Abrasive blast cabinet-dust filter integral combination units where the total internal volume of the blast section is 50 cubic feet or less.

31. Batch mixers of 5 cubic feet rated working capacity or less.

32. Equipment used exclusively for the packaging of lubricants or greases.

33. Equipment used exclusively for the manufacture of water emulsions of asphalt, greases, oils, or waxes.

34. Ovens used exclusively for the curing of vinyl plastisols by the closed mold curing process.

35. Equipment used exclusively for conveying and storing plastic pellets.

36. Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water based adhesives.

37. Smokehouses in which the maximum horizontal inside cross-sectional area does not exceed 20 square feet.

38. Platen presses used for laminating.

e. The following equipment or any exhaust system or collector serving exclusively such equipment:

1. Blast cleaning equipment using a suspension of abrasive in water.

2. Ovens, mixers and blenders used in bakeries where the products are edible and intended for human consumption.

3. Kilns used for firing ceramic ware, heated exclusively by natural gas, liquefied petroleum gas, electricity or any combination thereof.

4. Laboratory equipment used exclusively for chemical or physical analyses and bench scale laboratory equipment.

5. Equipment used for inspection of metal products.

6. Confection cookers where the products are edible and intended for human consumption.

7. Equipment used exclusively for forging, pressing, rolling or drawing of metals or for heating metals immediately prior to forging, pressing, rolling or drawing.

8. Die casting machines.

9. Atmosphere generators used in connection with metal heat treating processes.

10. Photographic process equipment by which an image is reproduced upon material sensitized to radiant energy.

11. Brazing, soldering or welding equipment.

12. Equipment used exclusively for the sintering of glass or metals.

13. Equipment used for buffing (except automatic or semi-automatic tire buffers) or polishing, carving, cutting, drilling, machining, routing, sanding, sawing, surface grinding or turning of ceramic artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, asbestos, carbon or graphite.

14. Equipment used for carving, cutting, drilling, surface grinding, planing, routing, sanding, sawing, shredding or turning of wood, or the pressing or storing of sawdust, wood chips or wood shavings.

15. Equipment using aqueous solutions for surface preparation, cleaning, stripping, etching (does not include chemical milling) or the electrolytic plating with, electrolytic polishing of, or the electrolytic stripping of brass, bronze, cadmium, copper, iron, lead, nickel, tin, zinc, and precious metals.

16. Equipment used for washing or drying products fabricated from metal or glass, provided that no volatile organic materials are used in the process and that no oil or solid fuel is burned.

17. Laundry dryers, extractors or tumblers used for fabrics cleaned only with water solutions of bleach or detergents.

19. Foundry sand mold forming equipment to which no heat is applied.

20. Ovens used exclusively for curing potting materials or castings made with epoxy resins.

21. Equipment used to liquefy or separate oxygen, nitrogen or the rare gases from the air.

22. Equipment used for compression molding and injection molding of plastics.

23. Mixers for rubber or plastics where no material in powder form is added and no organic solvents, diluents or thinners are used.

24. Equipment used exclusively to package pharmaceuticals and cosmetics or to coat pharmaceutical tablets.

25. Equipment used exclusively to grind, blend or package, tea, cocoa, spices or roasted coffee.

26. Roll mills or calenders for rubber or plastics where no organic solvents, diluents or thinners are used.

27. Vacuum producing devices used in laboratory operations or in connection with other equipment which is exempt by Rule 11.

f. Steam generators, steam superheaters, water boilers, water heaters, and closed heat transfer systems that have a maximum heat input rate of less than 250,000,000 British Thermal Units (BTU) per hour (gross), and are fired exclusively with one of the following:

1. Natural gas.

2. Liquefied Petroleum gas.

3. A combination of natural gas and liquefied petroleum gas.

g. Natural draft hoods, natural draft stacks or natural draft ventilators, where no organic solvents, diluents or thinners are used.

h. Containers, reservoirs, or tanks used exclusively for:

1. Dipping operations for coating objects with oils, waxes or greases where no organic solvents, diluents or thinners are used.

2. Dipping operations for applying coatings of natural or synthetic resins which contain no organic solvents.

3. Storage of liquefied gases.

5. Unheated storage of organic materials with an initial boiling point of 300°F. or greater.

6. The storage of fuel oils with a gravity of 25° API or lower.

7. The storage of lubricating oils.

8. The storage of fuel oils with a gravity of 40° API or lower and having a capacity of 10,000 gallons or less.

9. The storage of organic liquids, except gasoline, normally used as solvents, diluents or thinners, inks, colorants, paints, lacquers, enamels, varnishes, liquid resins or other surface coatings, and having a capacity of 6,000 gallons or less.

10. The storage of liquid soaps, liquid detergents, vegetable oils, waxes or wax emulsions.

11. The storage of asphalt.

12. Unheated solvent dispensing containers, unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks of 100 gallons capacity or less.

14. The storage of gasoline having a capacity of less than 250 gallons.

15. Transporting materials on streets or highways.

i. Equipment used exclusively for heat treating glass or metals, or used exclusively for case hardening, carburizing, cyaniding, nitriding, carbonitriding, siliconizing or diffusion treating of metal objects.

j. Crucible furnaces, pot furnaces or induction furnaces, with a capacity of 1,000 pounds or less each, in which no sweating or distilling is conducted and from which only the following metals are poured or in which only the following metals are held in a molten state:

1. Aluminum or any alloy containing over 50 percent aluminum.

2. Magnesium or any alloy containing over 50 percent magnesium.

3. Lead or any alloy containing over 50 percent lead.

4. Tin or any alloy containing over 50 percent tin.

5. Zinc or any alloy containing over 50 percent zinc.

6. Copper.

7. Precious metals.

k. Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping purposes.

l. Structural changes which cannot change the quality, nature or quantity of air contaminant emissions.

m. Repairs or maintenance not involving structural changes to any equipment for which a permit has been granted.

n. Identical replacements in whole or in part of any article, machine, equipment or other contrivance where a permit to operate had previously been granted for such equipment under Rule 10.

(2.0) RULE 12. TRANSFER.

Any permit or written authorization issued hereunder shall not be transferable, by operation of law or otherwise, from one location to another, from one piece of equipment to another, or from one person to another.

(3.0) RULE 14. APPLICATIONS.

Every application for an authority to construct or any permit required under Rule 10 shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determination required by Rule 20 hereof.

(3.0) RULE 17. CANCELLATION OF APPLICATIONS.

a. An authority to construct shall expire and the application shall be cancelled one year from the date of issuance of the authority to construct; provided, however, that when a period of longer than one year is stated in the application to be required for the construction, the authority to construct shall expire and the application shall be cancelled upon the expiration of such construction period, but in any event not later than five years from the date of issuance of the authority to construct.

b. An application for permit to operate or use existing equipment shall be cancelled six months from the date of filing of the application. Applications filed prior to the effective date of this rule shall, for the purpose of this rule, be considered as filed on the effective date of this rule.

(3.0) RULE 18. ACTION ON APPLICATION.

The Air Pollution Control Officer shall act, within a reasonable time, on an application for authority to construct, permit to operate or permit to sell or rent, and shall notify the applicant in writing by mail or in person of the action taken, namely, approval, conditional approval, or denial. Notice of the action taken shall be deemed to have been given when the written notification has been deposited in the mail, postpaid, addressed to the address shown on the application, or when personally delivered to the applicant or his representative.

(9.0) RULE 19. PROVISION OF SAMPLING AND TESTING FACILITIES.

A person operating or using any article, machine, equipment or other contrivance for which these rules require a permit shall provide and maintain such sampling and testing facilities as specified in the authority to construct or permit to operate.

(3.0) RULE 20. STANDARDS FOR GRANTING APPLICATIONS.

a. The Air Pollution Control Officer shall deny an authority to construct, permit to operate or use or permit to sell or rent, except as provided in Rule 21, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate or reduce or control the issuance of air contaminants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting air contaminants in violation of Sections 24242 or 24243, Health and Safety Code, or of these Rules and Regulations.

b. Before an authority to construct or a permit to operate is granted, the Air Pollution Control Officer may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the article, machine, equipment or other contrivance described in the authority to construct or permit to operate. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling and testing equipment. The platform and access shall be constructed in accordance with the General Industrial Safety Orders of the State of California.

c. In acting upon a Permit to Operate, if the Air Pollution Control Officer finds that the article, machine, equipment or other contrivance has not been constructed in accordance with the authority to

construct, he shall deny the permit to operate. The Air Pollution Control Officer shall not accept any further application for permit to operate the article, machine, equipment or other contrivance so constructed until he finds that the article, machine, equipment or other contrivance has been constructed in accordance with the authority to construct.

(2.0) RULE 21. CONDITIONAL APPROVAL.

a. The Air Pollution Control Officer may issue an authority to construct or a permit to operate or use, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the Standards of Rule 20, in which case the conditions shall be specified in writing. Commencing work under such an authority to construct or operation under such a permit to operate shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 20 under the revised conditions.

b. The Air Pollution Control Officer may issue a permit to sell or rent, subject to conditions which will bring the operation of any article, machine, equipment or other contrivance within the standards of Rule 20, in which case the conditions shall be specified in writing. Selling or renting under such a permit to sell or rent shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue a permit to sell or rent with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance can operate within the standards of Rule 20 under the revised conditions.

(3.0) RULE 22. DENIAL OF APPLICATIONS.

In the event of denial of an authority to construct, permit to operate or permit to sell or rent, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial of the authority to construct, the permit to operate or the permit to sell or rent.

(2.0) RULE 23. FURTHER INFORMATION.

Before acting on an application for authority to construct, permit to operate or permit to sell or rent, the Air Pollution Control Officer may require the applicant to furnish further information or further plans or specifications.

(3.0) RULE 24. APPLICATIONS DEEMED DENIED.

The Applicant may at his option deem the authority to construct, permit to operate or permit to sell or rent denied if the Air Pollution Control Officer fails to act on the application within 30 days after filing, or within 30 days after applicant furnishes the further information, plans and specifications requested by the Air Pollution Control Officer, whichever is later.

(2.0) RULE 25. APPEALS.

Within 10 days after notice, by the Air Pollution Control Officer, of denial or conditional approval of an authority to construct, permit to operate or use or permit to sell or rent, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain, reverse, or modify the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

REGULATION III - FEES

(3.0) RULE 40. PERMIT FEES.

Every applicant, except any state or local governmental agency or public district, for an authority to construct or a permit to operate any article, machine, equipment or other contrivance, for which an authority to construct or permit to operate is required by the State law or the Rules and Regulations of the Air Pollution Control District, shall pay a filing fee of $40.00. Where an application is filed for a permit to operate any article, machine, equipment or other contrivance by reason of transfer from one person to another, and where a permit to operate had previously been granted under Rule 10 and no alteration, addition or transfer of location has been made, the applicant shall pay only a $10.00 filing fee.

Every applicant, except any state or local governmental agency or public district, for a permit to operate, who files an application with the Air Pollution Control Officer, shall, in addition to the filing fee prescribed herein, pay the fee for the issuance of a permit to operate in the amount prescribed in the following schedules, provided, however, that the filing fee shall be applied to the fee prescribed for the issuance of the permit to operate.

If an application for an authority to construct or a permit to operate is cancelled, or if an authority to construct or a permit to operate is denied

and such denial becomes final, the filing fee required herein shall not be refunded nor applied to any subsequent application.

Where an application is filed for a permit to operate any article, machine, equipment or other contrivance by reason of transfer of location or transfer from one person to another, or both, and where a permit to operate had previously been granted for such equipment under Rule 10 and an alteration or addition has been made, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Where the application is for transfer of location and no alteration or addition has been made, the applicant shall pay only a filing fee of $40.00.

Where an application is filed for an authority to construct or a permit to operate exclusively involving revisions to the conditions of an existing permit to operate or involving alterations or additions resulting in a change to any existing article, machine, equipment or other contrivance holding a permit under the provisions of Rule 10 of these Rules and Regulations, the applicant shall be assessed a fee based upon the increase in total horsepower rating, the increase in total fuel consumption expressed in thousands of British Thermal Units (BTU) per hour, the increase in total electrical energy rating, the increase in maximum horizontal inside cross sectional area or the increase in total stationary container capacity resulting from such alterations or additions, as described in the fee schedules contained herein. Where there is no change or is a decrease in such rating, the applicant shall pay only the amount of the filing fee required herein.

After the provisions for granting permits as set forth in Chapter 2, Division 20, of the Health and Safety Code and the Rules and Regulations have been complied with, the applicant shall be notified by the Air Pollution Control Officer, in writing, of the fee to be paid for issuance of the permit to operate. Such notice may be given by personal service or by deposit, postpaid, in the United States mail and shall serve as a temporary permit to operate for 30 days from the date of personal service or mailing. Nonpayment of the fee within this period of time shall result in the automatic cancellation of the application.

In the event that more than one fee schedule is applicable to a permit to operate, the governing schedule shall be that which results in the higher fee.

Where a single permit to operate has been granted under Rule 10, and where the Air Pollution Control Officer would have issued separate or

revised permits for each permit unit included in the original application, the Air Pollution Control Officer may issue such separate or revised permits without fees.

In the event that a permit to operate is granted by the Hearing Board after denial by the Air Pollution Control Officer or after the applicant deems his application denied, the applicant shall pay the fee prescribed in the following schedules within 30 days after the date of the decision of the Hearing Board. Nonpayment of the fee within this period of time shall result in automatic cancellation of the permit and the application. Such a fee shall not be charged for a permit to operate granted by the Hearing Board for the duration of a variance.

A request for a duplicate permit to operate shall be made in writing to the Air Pollution Control Officer within 10 days after the destruction, loss or defacement of a permit to operate. A fee of $2.00 shall be charged, except to any state or local governmental agency or public district, for issuing a duplicate permit to operate.

It is hereby determined that the cost of issuing permits and of inspections pertaining to such issuance exceeds the fees prescribed.

SCHEDULE 1

ELECTRIC MOTOR HORSEPOWER SCHEDULE

Any article, machine, equipment, or other contrivance where an electric motor is used as the power supply shall be assessed a permit fee based on the total rated motor horsepower of all electric motors included in any article, machine, equipment or other contrivance, in accordance with the following schedule:

Horsepower	Fee
(a) up to and including 2-1/2	$ 40.00
(b) greater than 2-1/2 but less than 5	100.00
(c) 5 or greater but less than 15	200.00
(d) 15 or greater but less than 45	300.00
(e) 45 or greater but less than 65	400.00
(f) 65 or greater but less than 125	500.00
(g) 125 or greater but less than 200	600.00
(h) 200 or greater	800.00

SCHEDULE 2

FUEL BURNING EQUIPMENT SCHEDULE

Any article, machine, equipment or other contrivance in which fuel burned, with the exception of incinerators which are covered in schedule 4, shall be assessed a permit fee based upon the design fuel consumption of the article, machine, equipment or other contrivance expressed in thousands of British Thermal Units (BTU) per hour, using gross heating values of the fuel, in accordance with the following schedule.

1000 British Thermal Units per Hour	Fee
(a) up to and including 150	$ 40.00
(b) greater than 150 but less than 400	100.00
(c) 400 or greater but less than 650	200.00
(d) 650 or greater but less than 1,500	300.00
(e) 1,500 or greater but less than 2,500	400.00
(f) 2,500 or greater but less than 5,000	500.00
(g) 5,000 or greater but less than 15,000	600.00
(h) 15,000 or greater	800.00

SCHEDULE 3

ELECTRICAL ENERGY SCHEDULE

Any article, machine, equipment or other contrivance which uses electrical energy, with the exception of electric motors covered in Schedule 1, shall be assessed a permit fee based on the total kilovolot ampere (KVA) ratings, in accordance with the following schedule:

Kilovolt Amperes	Fee
(a) up to and including 20	$ 40.00
(b) greater than 20 but less than 40	100.00
(c) 40 or greater but less than 145	200.00
(d) 145 or greater but less than 450	300.00
(e) 450 or greater but less than 4,500	400.00
(f) 4,500 or greater but less than 14,500	500.00
(g) 14,500 or greater but less than 45,000	600.00
(h) 45,000 or greater	800.00

SCHEDULE 4

INCINERATOR SCHEDULE

Any article, machine, equipment or other contrivance designed and used primarily to dispose of combustible refuse by wholly consuming the material charged leaving only the ashes or residue shall be assessed a permit fee based on the following schedule of the maximum horizontal inside cross sectional area, in square feet, of the primary combustion chamber:

Area, in Square Feet	Fee
(a) up to and including 3	$ 40.00
(b) greater than 3 but less than 4	100.00
(c) 4 or greater but less than 7	200.00
(d) 7 or greater but less than 10	300.00
(e) 10 or greater but less than 15	400.00
(f) 15 or greater but less than 23	500.00
(g) 23 or greater but less than 40	600.00
(h) 40 or greater	800.00

SCHEDULE 5

STATIONARY CONTAINER SCHEDULE

Any stationary tank, reservoir, or other container shall be assessed a permit fee based on the following schedule of capacities in gallons of cubic equivalent:

Gallons	Fee
(a) up to and including 4,000	$ 40.00
(b) greater than 4,000 but less than 10,000	60.00
(c) 10,000 or greater but less than 40,000	100.00
(d) 40,000 or greater but less than 100,000	200.00
(e) 100,000 or greater but less than 400,000	300.00
(f) 400,000 or greater but less than 1,000,000	400.00
(g) 1,000,000 or greater but less than 4,000,000	500.00
(h) 4,000,000 or greater	600.00

SCHEDULE 6

MISCELLANEOUS SCHEDULE

Any article, machine, equipment or other contrivance which is not included in the preceding schedules shall be assessed a permit fee of $40.00.

(Amended 4/25/72)

(16.0) RULE 42. HEARING BOARD FEES.

a. Every applicant or petitioner for variance, or for the extension, revocation or modification of a variance, or for an appeal from a denial or conditional approval of an authority to construct, permit to operate or permit to sell or rent, except any state or local governmental agency or public district, shall pay to the Clerk of the Hearing Board, on filing, a fee in the sum of $15.00. It is hereby determined that the cost of administration of Article 5, Chapter 2, Division 20, Health and Safety Code, or Rule 25 of these Rules and Regulations, exceeds $15.00 per petition.

b. Any person requesting a transcript of the hearing shall pay the cost of such transcript.

c. This rule shall not apply to petitions filed by the Air Pollution Control Officer.

(9.0) Rule 43. ANALYSIS FEES.

Whenever the Air Pollution Control Officer finds that an analysis of the emission from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere which cannot be determined by visual observation, he may order the collection of samples and the analysis made by qualified personnel of the Air Pollution Control District. The time required for collecting samples, making the analysis and preparing the necessary reports, but excluding time required in going to and from such premises shall be charged against the owner or operator of said premises in a reasonable sum to be determined by the Air Pollution Control Officer, which said sum is not to exceed the actual cost of such work.

(13.0) RULE 44. TECHNICAL REPORTS - CHARGES FOR:

Information, circulars, reports of technical work, and other reports prepared by the Air Pollution Control District when supplied to other governmental agencies or individuals or groups requesting copies of the same may be charged for the District in a sum not to exceed the cost of preparation and distribution of such documents. All such monies collected shall be turned into general funds of the said District.

(3.0) RULE 45. PERMIT FEES - OPEN BURNING. (Adopted 4/25/72)

Every applicant for a permit to conduct an open fire, who files an application with the Air Pollution Control Officer, except any state or local government agency or public district, shall pay a filing fee of $20.00. Where an application is cancelled or denied, the filing fee shall not be refunded nor applied to any subsequent application.

REGULATION IV - PROHIBITIONS

(50.1.2) RULE 50. RINGELMANN CHART.

A person shall not discharge into the atmosphere from any single source of emission whatsoever any air contaminant for a period or periods aggregating more than three minutes in any one hour which is:

a. As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines, or

b. Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a) of this Rule.

This amendment shall be effective on the date of its adoption for any sources of emissions not then completed and put into service. As to all other equipment this amendment shall be effective on January 1, 1974, and as to such other equipment the prior limitation imposed by Rule 50 (No. 2 on the Ringelmann Chart) shall remain applicable until January 1, 1974.

(50.7) RULE 51. NUISANCE.

A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property. The provisions of the rule do not apply to odors emanating from agricultural operations in the growing of crops or raising of fowl or animals.

(50.1) RULE 52. PARTICULATE MATTER - CONCENTRATION. (Amended 4/25/72)

A person shall not discharge into the atmosphere from any source particulate matter in excess of the concentration shown in the following table: (See Rule 52 Table)

TABLE FOR RULE 52

VOLUME DISCHARGED--CUBIC FEET PER MINUTE CALCULATED AS DRY GAS AT STANDARD CONDITIONS	MAXIMUM CONCENTRATION OF PARTICULATE MATTER ALLOWED IN DISCHARGED GAS--GRAINS PER CUBIC FOOT OF DRY GAS AT STANDARD CONDITIONS	VOLUME DISCHARGED--CUBIC FEET PER MINUTE CALCULATED AS DRY GAS AT STANDARD CONDITIONS	MAXIMUM CONCENTRATION OF PARTICULATE MATTER ALLOWED IN DISCHARGED GAS--GRAINS PER CUBIC FOOT OF DRY GAS AT STANDARD CONDITIONS
1000 or less	0.200	20000	0.0635
1200	.187	30000	.0544
1400	.176	40000	.0487
1600	.167	50000	.0447
1800	.160	60000	.0417
2000	.153	70000	.0393
2500	.141	80000	.0374
3000	.131	100000	.0343
3500	.124	200000	.0263
4000	.118	400000	.0202
5000	.108	600000	.0173
6000	.101	800000	.0155
7000	.0949	1000000	.0142
8000	.0902	1500000	.0122
10000	.0828	2000000	.0109
15000	.0709	2500000 or more	.0100

Where the volume discharged falls between figures listed in the table, the exact concentration permitted to be discharged shall be determined by linear interpolation.

The provisions of this rule shall not apply to emissions resulting from the combustion of liquid or gaseous fuels in steam generators or gas turbines.

For the purposes of this rule "particulate matter" includes any material which would become particulate matter if cooled to standard conditions.

This amendment shall be effective on the date of its adoption for any equipment not then completed and put into service. As to all other equipment this amendment shall be effective on January 1, 1974, and as to such other equipment the prior limitation imposed by Rule 52 (a discharge of 0.3 grain per cubic foot of gas at standard conditions) shall remain applicable until January 1, 1974.

(50.2) RULE 53. SULFUR COMPOUNDS - CONCENTRATION. (Amended 4/25/72)

A person shall not discharge into the atmosphere sulfur compounds, which would exist as a liquid or gas at standard conditions, exceeding in concentration at the point of discharge, 500 parts per million by volume calculated as sulfur dioxide (SO_2).

This amendment shall be effective on the date of its adoption for any equipment not then completed and put into service. As to all other equipment this amendment shall be effective on January 1, 1975, and as to such other equipment the prior limitation imposed by Rule 53 (for sulfur compounds calculated as SO_2, 0.2 percent by volume) shall remain applicable until January 1, 1975.

(51.19) RULE 53.2. SULFUR RECOVERY UNITS

A person shall not discharge into the atmosphere from any sulfur recovery unit producing elemental sulfur, effluent process gas containing more than:

1. 500 parts per million by volume of sulfur compounds calculated as sulfur dioxide.
2. 10 parts per million by volume of hydrogen sulfide.
3. 200 pounds per hour of sulfur compounds calculated as sulfur dioxide.

Any sulfur revocery unit having an effluent process gas discharge containing less than 10 pounds per hour of sulfur compounds calculated as sulfur dioxide may dilute to meet the provision of number (1) above.

(51.18) RULE 53.3. SULFURIC ACID UNITS

A person shall not discharge into the atmoshpere from any sulfuric acid plant, effluent process gas containing more than:

1. 500 parts per million by volume of sulfur compounds calculated as sulfur dioxide.
2. 200 pounds per hour of sulfur compounds calculated as sulfur dioxide.

(50.1.1) RULE 54. PARTICULATE MATTER - WEIGHT. (Amended 4/25/72)

A person shall not discharge into the atmoshpere from any source particulate matter, including lead and lead compounds, in excess of the rate shown in the following table: (See Rule 54 Table)

Where the process weight per hour falls between figures listed in the table, the exact weight of permitted discharge shall be determined by linear interpolation.

For the purposes of this rule "particulate matter" includes any material which would become particulate matter if cooled to standard conditions.

This amendment shall be effective on the date of its adoption for any equipment not then completed and put into service. As to all other equipment this amendment shall be effective on January 1, 1974, and as to such other equipment the prior limitation imposed by Rule 54 shall remain applicable until January 1, 1974.

TABLE FOR RULE 54

PROCESS WEIGHT PER HOUR--POUNDS PER HOUR	MAXIMUM DISCHARGE RATE ALLOWED FOR PARTICULATE MATTER (AGGREGATE DISCHARGED FROM ALL POINTS OF PROCESS)--POUNDS PER HOUR	PROCESS WEIGHT PER HOUR--POUNDS PER HOUR	MAXIMUM DISCHARGE RATE ALLOWED FOR PARTICULATE MATTER (AGGREGATE DISCHARGED FROM ALL POINTS OF PROCESS)--POUNDS PER HOUR
250 or less	1.00	12000	10.4
300	1.12	14000	10.8
350	1.23	16000	11.2
400	1.34	18000	11.5
450	1.44	20000	11.8
500	1.54	25000	12.4
600	1.73	30000	13.0
700	1.90	35000	13.5
800	2.07	40000	13.9
900	2.22	45000	14.3
1000	2.38	50000	14.7
1200	2.66	60000	15.3
1400	2.93	70000	15.9
1600	3.19	80000	16.4
1800	3.43	90000	16.9
2000	3.66	100000	17.3
2500	4.21	120000	18.1
3000	4.72	140000	18.8
3500	5.19	160000	19.4
4000	5.64	180000	19.9
4500	6.07	200000	20.4
5000	6.49	250000	21.6
5500	6.89	300000	22.5
6000	7.27	350000	23.4
6500	7.64	400000	24.1
7000	8.00	450000	24.8
7500	8.36	500000	25.4
8000	8.70	600000	26.6
8500	9.04	700000	27.6
9000	9.36	800000	28.4
9500	9.68	900000	29.3
10000	10.00	1000000 or more	30.0

(2.0) RULE 55. EXCEPTIONS.

The provisions of Rule 50 do not apply to:

a. Smoke from fires set by or permitted by any public officer if such fire is set or permission given in the performance of the official duty of such officer, and such fire in the opinion of such officer is necessary.

(1) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

(2) The instruction of public employees in the methods of fighting fire.

b. Smoke from fires set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

c. Smoke from open burning for which a permit has been issued by the Air Pollution Control Officer.

d. Agricultural operations in the growing of crops, or raising of fowls, animals, or bees.

e. The use of an orchard or citrus grove heater which does not produce unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute.

f. The use of other equipment in agricultural operations in the growing of crops, or raising of fowls, animals, or bees.

(51.16) RULE 56. STORAGE OF PETROLEUM PRODUCTS.

A person shall not place, store or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

a. A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, or seals, to close the space between the roof edge and tank wall. The control equipment provided for in this paragraph shall not be used if the gasoline or petroleum

distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

b. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere and with all tank gauging and sampling devices gas-tight except when gauging or sampling is taking place.

c. Other equipment of equal efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.

(51.13) RULE 57. OPEN FIRES.

A person shall not burn any combustible refuse in any open outdoor fire within Orange County, except:

a. When such fire is set or permission for such fire is given in the performance of the official duty of any public officer, and such fire in the opinion of such officer is necessary:

(1) For the purpose of the prevention of a fire hazard which cannot be abated by any other means, or

(2) The instruction of public employees in the methods of fighting fire.

b. When such fire is set pursuant to permit on property used for industrial purposes for the purpose of instruction of employees in methods of fighting fire.

c. When such fire is set in the course of any agricultural operation in the growing of crops, or raising of fowls, animals or bees.

These exceptions shall not be effective on any calendar day on which the Air Pollution Control Officer determines that:

(1) The inversion base at 4:00 a.m., Pacific Standard Time, will be lower than one thousand five hundred feet above mean sea level, and

(2) The maximum mixing height will not be above three thousand five hundred feet, and

(3) The average surface wind speed between 6:00 a.m. and 12:00 noon, Pacific Standard Time, will not exceed five miles per hour.

(51.9) RULE 58. DISPOSAL OF SOLID AND LIQUID WASTES.

A. A person shall not burn any combustible refuse in any incinerator within the District except in a multiple-chamber incinerator as described in Rule 2(p), or in equipment found by the Air Pollution Control Officer in advance of such use to be equally effective for the purpose of air pollution control as an approved multiple-chamber incinerator.

b. A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, having design burning rates greater than 100 pounds per hour, except as provided in subsection (d) of this rule, particulate matter in excess of 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions. Any carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

c. A person shall not discharge into the atmosphere from any equipment whatsoever, used to process combustible refuse, except as provided in subsection (d) of this rule, particulate matter in excess of 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions. Any carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2).

d. A person shall not discharge into the atmosphere from any incinerator or other equipment used to dispose of combustible refuse by burning, having design burning rates of 100 pounds per hour or less, or for which an application for permit is filed before January 1, 1972, particulate matter in excess of 0.3 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions and shall not discharge particles which are individually large enough to be visible while suspended in the atmosphere. Any carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide (CO_2)

(51.16) RULE 59. EFFLUENT OIL WATER SEPARATORS.

A person shall not use any compartment of any vessel or device operated for the recovery of oil from effluent water which recovers 200 gallons a day or more of any petroleum products from any equipment which processes, refines, stores or handles hydrocarbons with a Reid vapor pressure of 0.5 pound or greater, unless such compartment is equipped with one of the following vapor loss control devices, except when gauging or sampling is taking place:

a. A solid cover with all openings sealed and totally enclosing the liquid contents of that compartment.

b. A floating pontoon or double-deck type cover, equipped with closure seals to enclose any space between the roof cover's edge and compartment wall.

c. A vapor recovery system which reduces the emission of all hydrocarbon vapors and gases into the atmosphere by at least 90 per cent by weight.

d. Other equipment of an efficiency equal to or greater than a, b, or c, if approved by the Air Pollution Control Officer.

This rule shall not apply to any oil-effluent water separator used exclusively in conjunction with the production of crude oil, if the water fraction of the oil-water effluent entering the separator contains less than 5 parts per million hydrogen sulfide, organic sulfides, or a combination thereof.

This amendment shall be effective at the date of its adoption for any equipment not then completed and put into service. As to all other equipment this amendment shall be effective on July 1, 1972.

(2.0) RULE 60. CIRCUMVENTION.

A person shall not build, erect, install, or use any article, machine equipment or other contrivance, the use of which without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Division 20, Chapter 2 of the Health and Safety Code of the State of California, or of Rule 501 of these Rules and Regulations.

(51.16) RULE 462. ORGANIC LIQUID LOADING

a. Facilities Handling 75,700 liters (20,000 gallons) per day or more.

(1) A person shall not load organic liquids having a vapor pressure of 77.5 millimeters of mercury (1.5 psia) or greater under actual loading conditions into any tank truck, trailer or railroad tank car from any loading facility having a throughput of 75,700 liters (20,000 gallons) or more in any one day, unless the loading facility is equipped with a vapor collection and disposal system or its equivalent approved by the Air Pollution Control Officer.

(2) Loading shall be accomplished in such a manner that the displaced vapor and air will be vented only to the vapor collection system. Measures shall be taken to prevent liquid drainage from the loading device when it is not in use or to

accomplish complete drainage before the loading device is disconnected.

(3) The vapor disposal portion of the vapor collection and disposal system shall consist of one of the following:

(A) An absorber system or condensation system which processes the displaced vapor and recovers at least 90 percent by weight of the organic vapors and gases from the equipment being controlled.

(B) A vapor handling system which directs the displaced vapors to a fuel gas system.

(C) Other equipment of an efficiency equal to or greater than (A) or (B) if approved by the Air Pollution Control Officer.

b. Facilities handling less than 75,700 liters (20,000 gallons per day.

(1) Any facility that was in operation prior to January 9, 1976, that distributes 1,892,500 liters (500,000 gallons) or more of gasoline annually to storage vessels not exempted under Sections (c) (1), (c) (2), and (c) (3) of Rule 65, but less than a total of 75,700 liters (20,000 gallons) of gasoline in any one day shall return the vapors displaced from the delivery vessel back to the stationary storage container.

(2) Any facility in operation prior to January 9, 1976, that distributes less than 75,700 liters (20,000 gallons) of gasoline in any one day shall be exempt from the provisions of of this rule provided that:

(A) Less than 1,892,500 liters (500,000 gallons) per year are distributed to storage vessels, not exempted under Sections (c) (1), (c) (2), and (c) (3) of Rule 65.

(B) All gasoline is loaded into transport vessels through a fill pipe, the discharge opening of which is submerged when the liquid level is 8 centimeters (3.15 inches) above the bottom of the vessel.

(C) The owner or operator of the facility petitions the Air Pollution Control Officer annually for the exemption.

(3) Any such facility constructed or installed on or after January 9, 1976, irrespective of throughput, shall comply with the provisions of Section (b) (1) and shall not be eligible for the exemption in Section (b) (2).

c. Effective Dates.

(1) The owner or operator of any organic liquid loading facility subject to this rule which is installed or constructed on or after January 9, 1976 shall comply with the provisions of this rule at the time of installation.

(2) The owner or operator of any organic liquid loading facility subject to this rule which is operating or in the process of being installed or constructed before January 9, 1976, shall comply with the provisions of the rule by August 1, 1976, and shall comply with the following increments of progress:

(A) By April 1, 1976 submit to the Air Pollution Control Officer a final control plan which describes, as a minimum, the steps that will be taken to achieve compliance with the provisions of this rule.

(B) By May 1, 1976 negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(C) By June 1, 1976, initiate on-site construction or installation of emission control equipment.

(D) By July 1, 1976 complete on-site construction or installation of emission control equipment.

(E) By August 1, 1976, assure final compliance with the provisions of this rule.

(50.2) RULE 62. SULFUR CONTENTS OF FUELS.

A person shall not burn natural gas containing sulfur compounds in excess of 15 grains per 100 cubic feet of gaseous fuel or any other gaseous fuel containing sulfur compounds in excess of 50 grains per 100 cubic feet of gaseous fuel, calculated as hydrogen sulfide at standard conditions, or, any liquid fuel or solid fuel having a sulfur content in excess of 0.5 per cent by weight. The burning of liquid fuel or solid fuel shall be permitted only if the delivery of gaseous fuel to the user is interrupted by the supplier, or by an event outside of the control of the user.

The provisions of this rule shall not apply to:

(a) The burning of sulfur, hydrogen sulfide, acid sludge or other sulfur compounds in the manufacturing of sulfur or sulfur compounds.

(b) The incinerating of waste gases provided that the gross heating value of such gases is less than 300 British Thermal Units per cubic foot at standard conditions and the fuel used to incinerate such waste gases does not contain sulfur or sulfur compounds in excess of the amount specified in this rule.

(c) The use of solid fuels in any metallurigical process.

(d) The use of fuels where the gaseous products of combustion are used as raw materials for other processes.

(e) The use of liquid or solid fuel to propel or test any vehicle, aircraft, missile, locomotive, boat or ship.

Every holder of, and every applicant for a permit to operate fuel-burning equipment under these Rules and Regulations shall notify the Air Pollution Control Officer in the manner and form prescribed by him, of each interruption in and resumption of delivery of gaseous fuel to his equipment.

It shall not be a violation of this rule to burn fuel not permitted by this rule for a period of not to exceed three calendar days (and in addition for that period of time necessary for the hearing board to render a decision, provided that an application for a variance is promptly filed) when other fuel which complies with the Rule cannot be used due to accident, strike, sabotage, or act of God.

(12.0) RULE 63. GASOLINE SPECIFICATIONS. (Adopted December 23, 1969)

a. A person shall not sell or supply for use within the District as a fuel for motor vehicles as defined by the Vehicle Code of the State of California, gasoline having a degree of unsaturation greater than that indicated by a Bromine Number 30 as determined by ASTM Method D1159-57T modified by omission of the mercuric chloride catalyst.

b. For the purpose of this rule, the term "gasoline" means any petroleum distillate having a Reid vapor pressure of more than four pounds.

(51.21) RULE 64. REDUCTION OF ANIMAL MATTER.

A person shall not operate or use any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors and gas-entrained effluents from such an article, machine, equipment, or other contrivances are:

a. Incinerated at temperatures of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 seconds. or

b. Processed in a manner determined by the Air Pollution Control

Officer to be equally, or more effective for the purpose of air pollution control than (a) above.

A person incinerating or processing gases, vapors or gas-entrained effluents pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation devices, as specified in the authority to construct or permit to operate or as specified by the Air Pollution Control Officer, for indicating temperature, pressure or other operating conditions.

For the purpose of this rule "reduction" is defined as any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating.

The provisions of this rule shall not apply to any article, machine, equipment, or other contrivance used exclusively for the processing of food for human consumption.

This rule shall be effective on the date of its adoption as to any article, machine, equipment or other contrivance used for the reduction of animal matter not completed and put into service.

(51.16) RULE 461. GASOLINE TRANSFER AND DISPENSING.

a. Gasoline Transfer Into Stationary Storage Containers.

(1) A person shall not transfer or permit the transfer of gasoline from any truck, trailer or railroad tank car into any stationary storage container with a capacity of more than 950 liters (251 gallons) unless such container is equipped with a permanent submerged fill pipe and unless 90 percent by weight of the gasoline vapors displaced during the filling of the stationary storage container are prevented from being released to the atmosphere.

(2) The provisions of Section (a) (1) shall be met by either:

(A) The displaced gasoline vapors being processed by a system that includes:

(I) A vapor-tight gasoline fill connector.

(II) A vapor-tight vapor return line to the delivery vessel of at least 7.6 centimeters (3 inches) nominal diameter.

(III) A device approved by the Air Pollution Control Officer which will ensure that the vapor return

line is connected before gasoline can be transferred into the container.

(IV) The vapor-laden delivery vessel shall be designed and maintained to be in a vapor-tight condition.

(V) The vapor-laden delivery vessel shall be refilled only at facilities equipped with vapor collection and disposal systems as required by Rule 61.

(B) The displaced gasoline vapors and gases are processed by a system approved by the Air Pollution Control Officer and with a minimum recovery efficiency at least equivalent to that of the system described above; or

(C) Transfer is made to a storage container equipped as described in Rule 463.

b. Gasoline Transfer into Vehicle Fuel Tanks

(1) A person shall not transfer or permit the transfer of gasoline from a stationary container subject to the provisions of Section (a) into any motor vehicle fuel tank of greater than 19 liters (5 gallons) capacity unless 90% by weight of gasoline vapors displaced during the transfer are prevented from entering the atmosphere. The transfer shall be made through a fill nozzle which:

(A) Is designed and operated to prevent the discharge of gasoline vapors to the atmosphere from the vehicle filler neck and the fill nozzle, and

(B) Is designed and operated to prevent fuel tank overfills and spillage on fill nozzle disconnect, and

(C) Limits the fill rate to a maximum of 30 liters (7.9 gallons) per minute.

c. Exemptions.

The provisions of this rule shall not apply to the transfer of gasoline.

(1) Into or from any stationary container having a capacity of 7,570 liters (2,000 gallons) or less which was installed prior to March 5, 1975, if such container is equipped with a permanent submerged fill pipe by March 1, 1977, or into or from any underground storage container installed prior to March 5, 1975, where the fill line between the fill

connection and container is offset.

(2) Into or from any stationary container which is used primarily for the fueling of implements of husbandry, as such vehicles are defined in Division 16 (Section 36000, et seq) of the California Vehicle Code, if such container is equipped with a submerged fill pipe by March 1, 1977.

(3) Into or from any stationary container located in the Southeast Desert Air Basin portion of San Bernardino County, the Joshua Tree area, or the Palo Verde area, if such container is equipped with a permanent submerged fill pipe by March 1, 1977, or at the time of container installation if after that date.

(4) Into a motor vehicle from any stationary storage container having a capacity of 950 liters (251 gallons) or less, or from any mobile container used exclusively for refueling of vehicles or aircraft.

(5) Into motor vehicles from any gasoline dispensing facility in existence prior to March 5, 1975, which is located in a structure where the dispensers are at a lower elevation than the bottom of the gasoline storage containers.

(6) Into or from any stationary container installed or under construction prior to January 9, 1976, and located in Riverside or San Bernardino County which is exclusively receiving gasoline from any loading facility which is exempted under the provisions of Section (b) (2) of Rule 61, if such container is equipped with a permanent submerged fill pipe by March 1, 1977.

d. Other Provisions

(1) A person shall not install any gasoline storage container with a capacity of more than 950 liters (251 gallons) unless such container meets the provisions of this rule.

(2) Vapor return or vapor recovery systems used to comply with the provisions of this rule shall comply with all safety, fire, weights and measurees, and other applicable codes or regulations. All fill nozzles, pressure-vacuum relief vents and any vacuum-assisted vapor recovery system must be of a type approved for the purpose by a fire and safety testing organization recognized by the fire department having jurisdiction.

e. Definitions

For purposes of this rule, the following definitions are included:

(1) "Gasoline vapors" means the organic compounds in the displaced vapors including any entrained liquid gasoline.

(2) A "motor vehicle" is any self-propelled vehicle registered for use on the highways.

f. Effective Dates

(1) The owner or operator of any stationary storage container or gasoline dispensing facility subject to this rule and which is installed or constructed on or after January 9, 1976, shall comply with the provisions of this rule at the time of installation.

(2) The owner or operator of any stationary storage or gasoline dispensing facility subject to this rule which is operating or in the process of being installed or constructed before January 9, 1976, shall comply with the following schedule of increments of progress.

(3) Submit to the Air Pollution Control Officer a final control plan which describes at a minimum the steps that will be taken by the source to achieve compliance with the provisions of this Rule.

(4) Negotiate and sign all necessary contracts for emission control systems, or issue orders for the purchase of component parts to accomplish emission control.

(5) Initiate on-site construction or installation of emission control equipment.

(6) Complete on-site construction or installation of emission control equipment.

(7) Assure final compliance with the provisions of this Rule.

(8) "C Date" is defined as the date on which the Air Resources Board certifies a gasoline vapor control system in accordance with Section 39068.6 of the Health and Safety Code.

SECTION A (TRANSFER INTO STORAGE CONTAINERS)

Located In County Of	Tank Cap. (gal.)	Submit[1]	Negotiate[2]	Initiate[3]	Complete[4]	Assure[5]
Los Angeles	6,000 or larger	9-15-74	11-15-74	12-1-74	4-1-75	5-1-75
	less than 6,000	1- 6-75	4- 1-75	6-1-75	2-1-76	5-1-76
Orange	All	9- 1-75	11- 1-75	12-1-75	6-1-76	7-1-76
Riverside	All	9- 1-75	11- 1-75	3-1-76	5-1-76	6-1-76
San Bernardino	6,000 or larger	1- 1-75	2-15-75	4-1-75	7-1-75	8-1-75
	less than 6,000	8- 1-75	11- 1-75	12-31-75	2-1-76	5-1-76

SECTION B (DISPENSING INTO VEHICLES)

Located In County Of	Tank Cap. (gal.)	Submit[1]	Negotiate[2]	Initiate[3]	Complete[4]	Assure[5]
Los Angeles	6,000 or larger	1-6-75	3-1-75	5-1-75	120 days from C Date(6)	180 days from C Date(6)
	less than 6,000	6-1-75	11-1-75	120 days from C Date (6)	150 days from C date(6)	180 days from C Date(6)
Orange	All	9-1-75	11-1-75	2-1-76	120 days from C Date(6)	180 days from C Date(6)
Riverside	All	9-1-75	11-1-75	3-1-76	120 days from C Date(6)	150 days from C Date(6)
San Bernardino	6,000 or larger	1-1-75	2-15-75	4-1-75	120 days from C Date(6)	150 days from C Date(6)
	less than 6,000	8-1-75	11-1-75	1-2-76	120 days from C Date(6)	150 days from C Date(6)

(50.4) RULE 66. ORGANIC SOLVENTS. (Amended 4/25/72)

a. A person shall not idscharge into the atmosphere more than 15 pounds of organic materials in any one day, nor more than 3 pounds in any one hour, from any article, machine, equipment or other contrivance, in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

b. A person shall not discharge into the atmosphere more than 40 pounds of organic materials in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment or other contrivance used under conditions other than described in section (a), for employing or applying, any photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in section (a) shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

c. A person shall not, after August 31, 1974, discharge into the atmoshpere more than 3,000 pounds of organic materials in any one day, nor more than 450 pounds in any one hour, from any article, machine, equipment or other contrivance in which any non-photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in section (a) shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment or other contrivances designed for processing a continuous web, strip or wire which emit organic materials and using operations described in

in this section shall be collectively subject to compliance with this section.

d. Emissions of organic materials to the atmosphere from the clean-up with photochemically reactive solvent, as defined in section (k), or any article, machine, equipment or other contrivance described in section (a), (b) or (c), shall be included with the other emissions of organic materials from that article, machine equipment or other contrivance for determining compliance with this rule.

f. Emissions of organic materials into the atmoshpere required to be controlled by sections (a), (b) or (c), shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(2) Adsorption, or

(3) Procesisng in a manner determined by the Air Pollution Control Officer to be not less effective than (1) or (2) above.

g. A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this rule shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or the permit to operate, or as specified by the Air Pollution Control Officer, for indicating temperature, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

h. Any person using organic solvents or any materials containing organic solvents shall supply the Air Pollution Control Officer, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties and amount consumed for each organic solvent used.

i. The provisions of this rule shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(2) The use of equipment for which other requirements are specified by Rules 56, 59, 61 or 65 or which are exempt from air pollution control requirements by said rules.

(3) The spraying or other employment of insecticides, pesticides or herbicides.

(4) The employment, application, evaporation or drying of saturated halogenated hydrocarbons or perchloroethylene.

(5) The use of any material, in any article, machine, equipment or other contrivance described in sections (a), (b), (c), or (d) if:

(A) The volatile content of such material consists only of water and organic solvents, and

(B) The organic solvents comprise not more than 20 percent of said volatile content, and

(C) The volatile content is not photochemically reactive as defined in section (k).

j. For the purposes of this rule, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220°F at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperature exceeding 220°F.

k. For the purposes of this rule, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(1) A combination of hydrocarbons, alcohols, aldehydes, esters ethers or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(2) A combination of aromatic compounds with either or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of any organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactice chemical group, that is, that group having the least allowable percent of the total volume of solvents.

For the purposes of this rule, organic materials are defined as chemical compounds of carbon excluding carbon monoxide,

carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

(50.4) RULE 66.1 ARCHITECTURAL COATINGS.

a. A person shall not sell or offer for sale for use in Orange County, in containers of one quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in Rule 66(k).

b. A person shall not employ, apply, evaporate or dry in Orange County any architectural coating, purchased in containers of one quart capacity or larger, containing photochemically reactive solvent, as defined in Rule 66(k).

c. A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in Rule 66(k).

d. For the purposes of this rule, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances; or industrial buildings.

(50.4) RULE 66.2. DISPOSAL AND EVAPORATION OF SOLVENTS.

A person shall not during any one day dispose of a total of more than 1-1/2 gallons of any photochemically reactive solvent, as defined in Rule 66(k), or of any material containing more than 1-1/2 gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

(51.5) RULE 67. FUEL BURNING EQUIPMENT. (Adopted December 23, 1969)
(51.6)
(51.7) A person shall not build, erect, install or expand any non-mobile fuel burning equipment unit unless the discharge into the atmosphere of contaminants will not and does not exceed any one or more of the following rates:

1. 200 pounds per hour of sulfur compounds, calculated as sulfur dioxide (SO_2);

2. 140 pounds per hour of nitrogen oxides, calculated as nitrogen dioxide (NO_2);

3. 10 pounds per hour of combustion contaminants as defined in Rule 2 and derived from the fuel.

For the purpose of this rule, a fuel burning equipment unit shall be comprised of the minimum number of boilers, furnaces, jet engines or other fuel burning equipment, the simultaneous operations of which are required for the production of useful heat or power.

Fuel burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt from the provisions of this rule.

Nothing in the rule shall be construed as preventing the maintenance or preventing the alteration or modification of an existing fuel burning equipment unit which will reduce its mass rate of air contaminant emissions.

(51.7) RULE 67.1. FUEL BURNING EQUIPMENT.

A person shall not build, erect, install or expand any non-mobile fuel burning equipment unit with a maximum heat input rate of more than 250-million British Thermal Units (BTU) per hour (gross), unless the discharge into the atmosphere of nitrogen oxides calculated as nitrogen dioxide (NO_2) at 3% oxygen, will not and does not exceed any one or more of the rates as shown in the following table:

NITROGEN OXIDES - PARTS PER MILLION PARTS OF FLUE GAS	
Fuel	Concentration in PPM
Gas	125
Liquid or Solid	225

For the purpose of this rule, a fuel burning equipment unit shall be comprised of the minimum number of boilers, furnaces, jet engines or other fuel burning equipment, the simultaneous operations of which are required for the production of useful heat or power.

Fuel burning equipment serving primarily as air pollution control equipment by using a combustion process to destroy air contaminants shall be exempt from the provisions of this rule.

Nothing in this rule shall be construed as preventing the maintenance or preventing the alteration or modification of an existing fuel burning equipment unit which will reduce its mass rate of air contaminant emissions.

(51.7) RULE 68. FUEL BURNING EQUIPMENT -OXIDES OF NITROGEN.

A person shall not discharge into the atmosphere from any non-mobile fuel-burning article, machine, equipment or other contrivance having a maximum heat input rate equal to or more than 2150-million British Thermal Units (BTU) per hour (gross), flue gas having a concentration of nitrogen oxides, calculated as nitrogen dioxide (NO_2) at 3 percent oxygen, in excess of that shown in the following table:

NITROGEN OXIDES - PARTS PER MILLION PARTS OF FLUE GAS FOR UNITS WITH 2150-MILLION BTU/HR MAX. HEAT INPUT OR MORE

Fuel	Effective Date	
	December 31, 1972	December 31, 1975
Gas	225	125
Liquid or Solid	325	225

(51.5) RULE 68.1. FUEL BURNING EQUIPMENT - COMBUSTION CONTAMINANTS.

A person shall not discharge into the atmosphere from any fuel burning equipment combustion contaminants derived from the fuel exceeding 0.1 grain per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard conditions.

(51.21) RULE 69. VACUUM PRODUCING DEVICES OR SYSTEMS.

A person shall not discharge into the atmosphere more than 3 pounds of organic materials in any one hour from any vacuum producing devices or systems including hot wells and accumulators, unless said discharge has been reduced by at least 90 percent.

This rule shall be effective at the date of its adoption for any equipment not then completed and put into service. As to all other equipment this rule shall be effective on July 1, 1972.

(51.8) RULE 70. ASPHALT AIR BLOWING.

A person shall not operate or use any article, machine, equipment or other contrivance for the air blowing of asphalt unless all gases, vapors

and gas-entrained effluents from such an article, machine, equipment or other contrivance are:

a. Incinerated at temperatures of not less than 1400 degrees Fahrenheit for a period of not less than 0.3 second, or

b. Processed in such a manner determined by the Air Pollution Control Officer to be equally, or more, effective for the purpose of air pollution control than (a) above.

(50.5) RULE 71. CARBON MONOXIDE.

A person shall not, after July 1, 1973 discharge into the atmosphere carbon monoxide (CO) in concentrations exceeding 0.2 percent by volume measured on a dry basis.

The provisions of this rule shall not apply to emissions from internal combustion engines.

(12.0) RULE 74. LEAD CONTENT OF MOTOR FUELS.

a. DEFINITIONS:

1. "Manufacturer" and "sell," as used in this Rule, shall be as defined in California Business and Professions Code Section 20708.

2. "Retailer," as used in this Rule means any person possessing a valid motor fuel pump license issued pursuant to the California Business and Professions Code Section 20767.

3. "Gasoline," as used in this Rule, shall be as defined by California Business and Professions Code Section 20703.

4. "Octane number," as used in this Rule, shall be as defined in the California Business and Professions Code Section 20710.

5. "Traces," as used in this Rule, shall mean amounts of lead due only to contamination of existing production and distribution facilities which have contained leaded fuels, and shall not exceed 0.075 gram of lead per gallon.

b. 1. No retailer shall sell any gasoline having an octane number of 96 or more containing lead exceeding the following: on or after July 1, 1972, 3.0 grams per gallon; on or after July 1, 1973, 2.0 grams per gallon; on or after July 1, 1974 1.0 grams per gallon; on or after July 1, 1975, traces.

2. No retailer shall sell any gasoline having an octane number of less than 96 containing lead exceeding the following: on or after July 1, 1972, 0.5 grams per gallon; on or after July 1, 1973, 0.1 grams per gallon; on or after July 1, 1974, traces.

3. Every manufacturer of gasoline and every retailer of gasoline shall sell at least one grade of gasoline having an octane number of not less than 90 and containing lead not exceeding the following: on or after July 1, 1972, 0.5 grams per gallon; on or after July 1, 1973, 0.1 grams per gallon; on or after July 1, 1974, traces.

REGULATION V

PROCEDURE

BEFORE THE HEARING BOARD

REGULATION V

(2.0) RULE 75. GENERAL.

This regulation shall apply to all hearings before the Hearing Board of the Air Pollution Control District.

(2.0) RULE 76. FILING PETITIONS.

Requests for hearings shall be initiated by the filing of a petition in triplicate with the Clerk of the Hearing Board, at 1010 South Harbor Boulevard, Anaheim, California, and the payment of the fee of $15.00 provided for in Rule 42 of these Rules and Regulations, after service of a copy of the petition has been made on the Air Pollution Control Officer at 1010 South Harbor Boulevard, Anaheim, California, and one copy on the holder of the permit or variance, if any, involved. Service may be made in person or by mail, and service may be proved by written acknowledgment of the person served or by the affidavit of the person making the service.

(2.0) RULE 77. CONTENTS OF PETITIONS.

Every petition shall state:

a. The name, address and telephone number of the petitioner, or other person authorized to receive service of notices.

b. Whether the petitioner is an individual, co-partnership, corporation or other entity, and names and address of the partners if a co-partnership, names and address of the officers, if a corporation and the names and address of the persons in control, if other entity.

c. The type of business or activity involved in the application and the street address at which it is conducted.

d. A brief description of the article, machine, equipment or other contrivance, if any, involved in the application.

e. The section or rule under which the petition is filed; that is whether petitioner desires a hearing:

(1) To determine whether a permit shall be revoked or a suspended permit reinstated under Section 24274, Health and Safety Code of the State of California;

(2) For a variance under Section 24292, Health and Safety Code;

(3) To revoke or modify a variance under Section 24298, Health and Safety Code;

(4) To review the denial or conditional granting of an authority to construct, permit to operate or permit to sell or rent under Rule 25 of these Rules and Regulations.

f. Each petition shall be signed by the petitioner, or by some person on his behalf, and where the person signing is not the petitioner, it shall set forth his authority to sign.

g. Petitions for revocation of permits shall allege in addition the rule under which permit was granted, the rule or section which is alleged to have been violated, together with a brief statement of the facts constituting such alleged violation.

h. Petitions for reinstatement of suspended permits shall allege in addition the rule under which the permit was granted, the request and alleged refusal which formed the basis for such suspension, together with a brief statement as to why information requested, if any was not furnished, whether such information is believed by petitioner to be pertinent, and if so, when it will be furnished.

i. All petitions shall be typewritten, double-spaced, on legal or letter size paper, on one side of the paper only, leaving a margin of a least one inch at the top and left side of each sheet.

(5.0) RULE 78. PETITIONS FOR VARIANCES.

In addition to the matters required by Rule 77, petitions for variances shall state briefly:

a. The section, rule or order complained of.

b. The facts showing why compliance with the section, rule, or order is unreasonable.

c. For what period of time the variance is sought and why.

d. The damage or harm resulting or which would result to petitioner from a compliance with such section, rule or order.

e. The requirements which petitioner can meet and the date when petitioner can comply with such requirements.

f. The advantages and disadvantages to the residents of the district resulting from requiring compliance or resulting from granting a variance.

g. Whether or not operations under such variance, if granted would constitute a nuisance.

h. Whether or not any case involving the same identical equipment or process is pending in any court, civil or criminal.

i. Whether or not any case involving the same identical equipment or process is covered by a permit to operate issued by the Air Pollution Control Officer.

(2.0) RULE 79. APPEAL FROM DENIAL.

A petition to review a denial or conditional approval of an authority to construct, permit to operate or permit to sell or rent shall, in addition to the matters required by Rule 77, set forth a summary of the application or a copy thereof and the alleged reasons for the denial or conditional approval and the reasons for appeal.

(2.0) RULE 80. FAILURE TO COMPLY WITH RULES.

The clerk of the Hearing Board shall not accept for filing any petition which does not comply with these Rules relating to the form, filing and service of petitions unless the chairman or any two members of the Hearing Board direct otherwise and confirm such direction in writing. Such direction need not be made at a meeting of the Hearing Board. The chairman or any two members, without a hearing, may require the petitioner to state further facts or reframe a petition so as to disclose clearly the issues involved.

(2.0) RULE 82. ANSWERS.

Any person may file an answer within 10 days after service. All answers shall be served the same as petitions under Rule 76.

(2.0) RULE 83. DISMISSAL OF PETITION.

The petitioner may dismiss his petition at any time before submission of the case to the Hearing Board, without a hearing or meeting of the Hearing Board. The Clerk of the Hearing Board shall notify all interested persons of such dismissal.

(16.0) RULE 84. PLACE OF HEARING.

All hearings shall be held at the Hearing Room, 1010 South Harbor Boulevard Anaheim, California, unless some other place is designated by the Hearing Board.

(16.0) RULE 85. NOTICE OF HEARING.

The Clerk of the Hearing Board shall mail or deliver a notice of hearing to the petitioner, the Air Pollution Contorl Officer, the holder of the permit or variance involved, if any, and to any person entitled to notice under Sections 24275, 24295 or 24299, Health and Safety Code.

(2.0) RULE 86. EVIDENCE.

a. Oral evidence shall be taken only on oath or affirmation.

b. Each party shall have these rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witneses on any matter relevant to the issues even though that matter was not covered in the direct examination; to impeach any witness regardless of which party first called him to testify; and to rebut the evidence against him. If respondent does not testify in his own behalf he may be called and examined as if under cross-examination.

c. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. The rules of privilege shall be effective to the same extent that they are now or hereafter may be recognized in civil actions, and irrelevant and unduly repetitious evidence shall be excluded.

(2.0) RULE 87. PRELIMINARY MATTERS.

Preliminary matters such as setting a date for hearing, granting continuances, approving petitions for filing, allowing amendments and other preliminary rulings not determinative of the merits of the case may be made by the chairman or any two members of the Hearing Board without a hearing or meeting of the Hearing Board and without notice.

(2.0) RULE 88. OFFICIAL NOTICE.

The Hearing Board may take official notice of any matter which may be judicially noticed by the courts of this State.

(2.0) RULE 89. CONTINUANCES.

The chairman or any two members of the Hearing Board shall grant any continuance of 15 days or less, concurred in by petitioner, the Air Pollution Control Officer any by every person who has filed an answer in the action and may grant any reasonable continuance; in either case such action may be ex parte, without a meeting of the Hearing Board and without prior notice.

(2.0) RULE 90. DECISION.

The decision shall be in writing, served and filed within 15 days after submission of the cause by the parties thereto and shall contain a brief statement of facts found to be true, the determination of the issues presented and the order of the Hearing Board. A copy shall be mailed or delivered to the Air Pollution Control Officer, the petitioner and to ever person who has filed an answer or who has appeared as a party in person or by council at the hearing.

(2.0) RULE 91. EFFECTIVE DATE OF DECISION.

The decision shall become effective 15 days after delivering or mailing a copy of the decision, as provided in Rule 90, or the Hearing Board may order that the decision shall become effective sooner.

(3.0) RULE 95. LACK OF PERMIT.

The Hearing Board shall not receive or accept a petition for a variance for the operation or use of any article, machine, equipment or other contrivance until a permit to operate has been granted or denied by the Air Pollution Control Officer; except that an appeal from a denial of a permit to operate and a petition for a variance may be filled with the Hearing Board in a single petition. A variance granted by the Hearing Board after a denial of a permit to operate by the Air Pollution Control Officer may include a permit to operate for the duration of the variance.

REGULATION VI

ORCHARD OR CITRUS GROVE HEATERS

(1.0) RULE 100. DEFINITIONS.

As used in these Rules and Regulations the following terms have the meanings set forth in this rule unless otherwise apparent from the context:

a. Orchard or Citrus Grove Heater. "Orchard or citrus grove heater" means any article, machine, equipment or other contrivance, burning any type of fuel or material capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage.

(51.1) RULE 101. USE AND SALE OF ORCHARD HEATERS.

a. No person shall use any orchard heater unless such orchard heater is approved by the State of California Air Resources Board or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

b. No person shall sell or offer for sale any orchard heater unless such orchard heater is approved by the State of California Air Resources or does not produce more than one gram per minute of unconsumed solid carbonaceous material.

c. This rule does not apply to contrivances commonly known as wind machine.

(3.0) RULE 102. PERMIT REQUIRED.

a. No person shall use any orchard or citrus grove heater without first obtaining a permit from the Air Pollution Control Officer to do so.

b. The fee requirements provided for in Rules 40 and 45 shall not apply to persons applying for or possessing permits for orchard or citrus grove heaters.

(2.0) RULE 103. TRANSFER.

A permit to operate shall not be transferable, whether by operation of law or otherwise, whether from one location to another, from one piece of equipment to another, or from one person to another.

(3.0) RULE 105. APPLICATION FOR PERMITS.

Every application for a permit required under Rule 102 shall be filed in the manner and form required by the Air Pollution Control Officer.

Incomplete applications will not be accepted.

(3.0) RULE 106. ACTION ON APPLICATIONS.

The Air Pollution Control Officer shall act on all applications within a reasonable time and shall notify the applicant in writing of the approval, conditional approval or denial of the application.

(3.0) RULE 107. STANDARDS FOR GRANTING PERMITS.

The Air Pollution Control Officer shall deny a permit if the applicant does not show that equipment described in Rules 100 and 102 is so designed or controlled that it will not produce unconsumed solid carbonaceous matter at the rate in excess of one (1) gram per minute except as prescribed under Rule 108.

(2.0) RULE 108. CONDITIONAL APPROVAL.

a. The Air Pollution Control Officer may issue a permit subject to conditions which will bring the orchard or citrus grove heater within the standards of Rule 107 in which case the conditions shall be specified in writing.

b. Erecting, altering, operating or using under conditional permit shall be deemed acceptance of all conditions so specified.

(3.0) RULE 109. DENIAL OF APPLICATIONS.

In the event of denial of a permit, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefor. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his reasons for denial.

(2.0) RULE 110. APPEALS.

Within 10 days after notice of denial or conditional approval of a permit by the Air Pollution Control Officer, the applicant may petition the Hearing Board, in writing, for a public hearing. The Hearing Board, after notice and a public hearing held within 30 days after filing the petition, may sustain, reverse, or modify the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

(2.0) RULE 120. FEES.

A request for a duplicate permit for orchard or citrus grove heaters shall be made in writing to the Air Pollution Control Officer within 10 days after the destruction, loss or defacement of a permit. The fee for issuing a duplicate permit shall be $1.00.

(51.1) RULE 122. CLASSIFICATION OF ORCHARD HEATERS.

For the purpose of these Rules and Regulations, orchard heaters are divided into the following groups:

a. Class I. Any type of heater which is so designed or equipped that it will not discharge unconsumed solid carbonaceous matter at a rate in excess of one half (1/2) gram per minute. Heaters of this type are mentioned in Rule 123.

b. Class II. Any type of orchard heater other than a Class I heater which can be operated or regulated by a mechanical stop so that it will not discharge unconsumed solid carbonaceous matter at a rate in excess of one (1) gram per minute. Heaters included within this class are named in Rule 124.

The use of any Orchard Heater not herein designated or later classified as permissible by the Control Officer is prohibited.

(51.1) RULE 123. CLASS I HEATERS DESIGNATED. PERMITS.

The Air Pollution Control Board finds that those types of heaters commonly known or designated as:

Pipe Line Systems, including Kittle heater;
Return Stack Heaters, its equivalent or better;
Briquet or Coke Heaters when used with briquets or coke;

fall within Class I as defined in Rule 122(a). Permits shall be issued for Class I heaters upon proper application therefor. This Class also includes any heaters which is shown by competent test to come within the definition of Class I heater.

(51.1) RULE 124. CLASS II HEATERS DESIGNATED. PERMITS.

The Air Pollution Control Board finds that orchard heaters commonly known by any of the following names or designations may be used or operated for the purpose of giving frost protection if the draft regulator is so adjusted as to permit a maximum primary air orifice within the limitation indicated below for such heater. These heaters fall within Class II as defined in Rule 122(b)

NAME	Maximum Size of Primary Air Orifice	Equivalent Draft Regulator Adjustment
Hy-Lo 148	0.5 sq. in.	1/2 hole, 15/16" dia.
Exch. Model, 6" dia. stack	0.5 " "	" " " "
Cone Stack (Mfd. prior to 1949, 6" throat only)	0.5 " "	" " " "
Lomora	0.8 " "	1 " " "
Exch. Model, 7" dia. stack	0.8 " "	" " " "
Lazy Flame, 24" dtack	0.8 " "	" " " "
Hy-Lo 230-A	0.8 " "	" " " "
20" 230-A	0.8 " "	" " " "
Lazy Flame, 18" stack	1.2 " "	1 1/2" " "
Nat'l. Jr. Louvre, 18" stack	1.2 " "	" " " "

This Class also includes any type of orchard heater (other than Class I heaters) not herein specifically named which later may be shown to meet the requirements of Rule 107.

The operation of any Class II heater at a primary air orifice in excess of the maximum specified in the foregoing schedule for such heater is prohibited except for the first five (5) minutes after the heater is lighted. Said maximum primary orifices are predicated upon the heaters being reasonably clean and the draft regulators fitting tight. Permits for Class II heaters shall be issued upon proper application and shall set forth the maximum primary air orifice permitted for each type heater covered by such permit.

(51.1) RULE 125. PROHIBITION OF SALE OF HEATERS.

a. No person shall sell or offer for sale for use within the Air Pollution Control District of Orange County any orchard heater other than those disignated as Class I or Class II heaters by these Rules or by the Control Officer, nor shall any orchard heater which falls within Class II as defined by Rules 122 and 124 be sold or offered for sale within the District if the primary air orifice thereof exceeds in size the maximum specified herein above for the particular heater.

b. Upon the classification by the Control Officer of any heater not now specifically mentioned and classified, the provisions of this rule shall apply to the same degree and extend as if that heater had been so mentioned and classified at the time of enactment of this rule.

(51.1) RULE 126. IDENTIFICATION OF HEATERS.

When in these Rules and Regulations a distilling type heater is designated by name, such name refers to the stack or stack assembly with which such heater is equipped, it being understood that many heaters are equipped with a stack of one make and with a cover or bowl of another make.

(51.1) RULE 127. MAINTENANCE OF HEATERS.

All heaters for which a permit is issued shall be maintained in reasonably clean condition and in good repair and working order. Whenever orchard heaters are burning they must be adequately attended and supervised to maintain the condition, adjustment and proper operation of the heaters.

(51.1) RULE 128. CLASSIFICATION OF UNDESIGNATED HEATERS.

The Air Pollution Control Officer shall have authority to determine the proper classification of any orchard heater not specifically named herein.

(2.0) RULE 130. PROHIBITIONS.

a. These rules prohibit the erecting, altering, replacing operating or using any orchard or citrus grove heater which produces unconsumed solid carbonaceous matter at the rate of more than one (1) gram per minute, except under the conditions as set forth in Rule 108.

b. Open fires for orchard or citrus grove heating are prohibited.

c. The use of rubber tires or any rubber products in any combustion process in connection with any orchard or citrus grove heating is prohibited.

d. Any new complete orchard or citrus grove heating equipment of the distilling type not listed in Rule 124 must contain a primary air orifice of such design that not more than one (1) gram per minute of unconsumed solid carbonaceous matter is emitted.

e. No heater may be placed, be permitted to be placed or be permitted to remain in any orchard or citrus grove or in any other place where heaters may be fired to furnish protection from frost damage unless a permit or conditional permit has been issued.

f. The use or operation of any partial assembly of any type heater for the purpose of giving protection from frost damage is hereby prohibited. A permit or conditional permit issued for the use or operation of any type orchard or citrus grove heater is for the use or operation of a complete heater assembly.

United States
Environmental Protection
Agency

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Office of Air Quality Planning and Standards
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